

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Before the Board of Patent Appeals and Interferences

In re application of Bozzone et al.

Examiner: **SOBUTKA, PHILIP**

Application S/No.: **10/776,658**

Group Art Unit: **2618**

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Confirmation No.: **3381**

For: **MODULAR COMMUNICATION SYSTEM**

Attorney Docket No.: **7463-36 (CE12125JNE)**

Customer No.: **55974**

Certificate of Transmission

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Pablo Meles

Hon. Commissioner for Patents
Alexandria, VA 22313-1450

APPEAL BRIEF

Honorable Board Members:

This is an appeal from the final rejection in the Office action dated May 29, 2008, finally rejecting claims 1-20.

Appellants submit this *Appeal Brief*, including payment in the amount of \$540.00 to cover the fee for filing the *Appeal Brief*. **Please charge the fee required for the *Appeal Brief* to deposit account No. 50-0951.**

Real Party in Interest:

This application is assigned to Motorola, Inc., a Delaware Corporation with offices in Schaumburg, Illinois. The assignment has been recorded by the USPTO on February 11, 2004, at Reel No. 014984, Frame No. 0821.

Related Appeals and Interferences:

No related appeals or interference proceedings are currently pending which would directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

Status of Claims:

Claims 1-20 are pending in the application. Claims 1-20 stand finally rejected under 35 U.S.C. § 103 as follows:

- Claims 1, 4-6, 14-17, and 20 stand rejected as being unpatentable over U.S. Patent No. 6,219,560 to Erkkila et al., ("Erkkila") in view of U.S. Patent No. 6,907,264 to Sterkel ("Sterkel").
- Claims 7-12, and 19 stand rejected as being unpatentable over Erkkila in view of Sterkel and in view of U.S. Patent No. 6,029,072 to Barber ("Barber").
- Claims 2, 3, 13 stand rejected as being unpatentable over Erkkila in view of Sterkel.
- Claim 18 under stands rejected as being unpatentable over Erkkila in view of Sterkel and in view of Barber.

Status of Amendments:

An Amendment was last filed on February 21, 2008 where no claims were amended in response to an Office Action dated November 21, 2007 and after Prosecution was reopened from a Notice of Panel Decision from a first Pre-Appeal Brief Review dated September 17, 2007. A second Pre-Appeal Conference Request and a Pre-Appeal Brief was filed along with a *Notice of Appeal* on August 5, 2008 and a second Notice of Panel Decision from Pre-Appeal Brief Review was issued September 11, 2008.

Summary of the Claimed Subject Matter:

The subject matter of independent claims 1, 7, 14, 19, and 20 is briefly reviewed below in the context of the specification and drawings for explanatory purposes only and not as a limitation on the scope of the claims.

A. Claim 1

Claim 1 is directed to a modular wireless communication module (12, FIG. 1 or 50, FIG. 2), comprising a transceiver (13) coupled to a processor (14) and memory (20), and an interface block (24) coupled to the processor, wherein the processor is programmed to operate in accordance with an identifier signal (paragraph 0029) received from at least one among a plurality of detachable host devices (30, FIG. 1 or 102, FIG. 3 or 112, FIG. 4 or 122, FIG. 5, or 132, FIG. 6, or 142, FIG. 7 or 152, FIG. 8 or 162, FIG. 9) each having different user interfaces (34), and the processor adapts (paragraph 0029) to control a user interface (34) of a detachable host device based on the identifier signal identifying the user interface.

B. Claim 7

Claim 7 is directed to a modular communication system (10 of FIG. 1, 100 of FIG. 3, 110 of FIG. 4, 120 of FIG. 5, 130 of FIG. 6, 140 of FIG. 7, 150 of FIG. 8, 160 of FIG. 9, etc.) comprising a modular wireless communication module (12, FIG. 1 or 50, FIG. 2) having a transceiver (13) coupled to a processor (14) and memory (20), and a first interface block (24) coupled to the processor. The system can further include a detachable host device (30, FIG. 1 or 102, FIG. 3 or 112, FIG. 4 or 122, FIG. 5, or 132, FIG. 6, or 142, FIG. 7 or 152, FIG. 8 or 162, FIG. 9) having a power source (36), a user interface (34), and a second interface block (46), wherein the host device is one among a plurality of host devices having different user interfaces and the processor identifies a user interface of the detachable host device and adapts (paragraph 0029) to control (FIG. 17, step 708) the different user interfaces when the first interface block recognizes the second interface block of a given host device.

C. Claim 14

Claim 14 is directed to an adaptable communication module (12, FIG. 1 or 50, FIG. 2) comprising a radio communication transceiver (13) having a processor (14) that identifies a user interface (34) of a detachable host device (30), wherein the processor is adaptively programmed to operate with (paragraph 0029) and control (FIG. 17, step 708) a plurality of different detachable host devices having different user interfaces. The adaptable communication module can further include an interface block (24) coupled to the processor

for detecting the user interface of at least one among the plurality of detachable host devices, wherein the adaptable communication module identifies a user interface (34) of a detachable host device and adapts control of the detachable host device based on the user interface identified.

D. Claim 19

Claim 19 is directed to a detachable host device (30) for mating with a modular wireless communication module (12) having a first interface block (24) and a transceiver (13) coupled to a processor (14). The detachable host device comprises a power source (36), a user interface (34) coupled to the power source and a second interface block (46), wherein the detachable host device is one among a plurality of detachable host devices having different user interfaces controlled by the processor when the first interface block recognizes the second interface block of the detachable host device, and the processor (14) in the modular wireless communication module identifies (704, FIG. 17) the user interface in the detachable host device and adapts a control (708, FIG. 17) of the detachable host device.

E. Claim 20

Claim 20 is directed to a method (700, FIG. 17) of reusing a modular wireless communication module (12, FIG. 1 or 50, FIG. 2) among a plurality of different host devices, comprising selectively coupling (702, FIG. 17) the modular wireless communication module with a first detachable host device (30, 102, 112, etc.) having a first user interface (34), recognizing (704, FIG. 17) the first host device to enable a processor (14) within the modular wireless communication module to adaptively control the first detachable host device and the first user interface. The method (700) can further selectively couple (706, FIG. 17) the modular wireless communication module with at least a second detachable host device having a second user interface and recognize (708, FIG. 17) the second detachable host device to enable the processor within the modular wireless communication module to adaptively control the second detachable host device and the second user interface.

Grounds of Rejection to be Reviewed on Appeal

1. The rejection of claims 1, 4-6, 14-17, and 20 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,219,560 to Erkkila et al., (“Erkkila”) in view of U.S. Patent No. 6,907,264 to Sterkel (“Sterkel”).

2. The rejection of claims 7-12, and 19 under 35 U.S.C. § 103(a) as being unpatentable over Erkkila in view of Sterkel and in view of U.S. Patent No. 6,029,072 to Barber ("Barber").

3. The rejection of claims 2, 3, 13 under U.S.C. § 103(a) as being unpatentable over Erkkila in view of Sterkel.

4. The rejection of claim 18 under U.S.C. § 103(a) as being unpatentable over Erkkila in view of Sterkel and in view of Barber.

Argument:

Applicants respectfully assert that there is a clear deficiency in the prima facie case in support of the rejections. The references cited, namely Erkkila, Sterkel and Barber either individually or in combination fail to either anticipate or obviate claims 1-20.

This is a case where the Examiner is assigning or providing a particular definition to a first element in an attempt to anticipate or obviate the Applicant's claims and then impermissibly reassigning the definition of a second element in the cited reference in order to make the reference appear to anticipate or obviate such claims. If the Examiner assigns a particular interpretation to one element, then the second element in this instance will necessarily have a particular interpretation. The issues in this Appeal involve the interpretation of the terms "host" and "modular wireless communication device" as found in the Applicant's independent claims (claims 1, 7, 14, 19, and 20) (and many other claims) and the terms "host" and "expansion card" as found in the Erkkila reference. The Examiner is equating the host device shown in FIG. 5 of Erkkila to the Applicant's modular wireless communication device. If the Examiner does this, then the Examiner must then equate the "expansion card" of Erkkila to be a "host" device. In so doing, the Examiner is truly distorting the meaning of what is truly taught in Erkkila, namely that a communication device such as a cell phone is serving as a host device and that it can accept various "expansion cards" to provide additional functionality. The Board is directed to Col. 2, line 64 through Col. 3, line 12 where Erkkila states that the invention is directed to "*...a cellular telephone system the function of which can be increased by means of various expansion cards. Thus, the host device in the system according to the invention, say, a mobile communication device, need not be equipped with all the possible functions...*". Further see Col. 3, lines 49-53 and lines 60-62.

In contrast, Applicants are claiming (as in Claim 7, for example) a modular communication system that includes a modular wireless communication module having a transceiver coupled to a processor and memory, and a first interface block coupled to the processor, and a detachable host device having a power source, a UI, and a second interface block where the host device is one among a plurality of host devices having different UIs and the processor identifies a UI of the detachable host device and adapts to control the different UIs when the first interface block recognizes the second interface block of a given host device. Assuming that the device of FIG. 5 of Erkkila was equivalent to Applicant's "modular wireless communication module", then do the "expansion cards" of Erkkila act as "hosts" and include a power source, a user interface, a second interface block where the "expansion cards" are among a plurality of host devices having different UIs? Not really. The example provided in Erkkila for "expansion cards" include the "Miniature Card" standard which clearly teaches away from including a power source or a serving as a host. If the Examiner insists on equating the device of FIG. 5 in Erkkila as the modular device, then the "expansion card" must be a "host device" which clearly is not the case.

If interpreted correctly, Erkkila is directed to a mobile communication device serving as a host device and constructed to receive an expansion card which provides the mobile communication device additional capability of generating images or other specific functions. As seen in FIG. 5, Erkkila shows a mobile device having a transceiver 59, a display 55, a UI 54, a memory 53, an interface block 50 and other processing components. In Erkkila, the transceiver 59 is an integral part of the mobile communication device or host, and is not included as part of the expansion card. Notably, the expansion card, which couples to the host through the interface slot 50, provides an imaging function that is separate from RF processing functions associated with the transceiver 59. The expansion card, which provides the imaging functions, does not include a transceiver. Briefly, a first distinguishing feature of the Applicant's embodiments with respect to Erkkila is the functionality and placement of the transceiver. In the Applicant's, the transceiver is part of the modular portion or the wireless comm. module and it is not part of the host device, as in Erkkila.

Applicant's recited claims provide a wireless communication module ("module") that adapts to use for different host devices having different user interfaces. As shown in FIG. 1 of Applicants' Drawings, the module contains a transceiver 13, a processor 14, a first interface block 24, and other components. The module can be coupled to a host device 30 having a second interface block 46, user interface 24 and other components. Notably, the host device

is detachable from the module, thereby allowing the module to interface to a plurality of other host devices each having their own specific UIs. The transceiver 13 is specific to the module and provides communication portability among host devices that do not have communication resources. In contrast, the communication aspects of the transceiver are already present on the host device of Erkkila (FIG. 5). Erkkila does not teach that communication resources, such as a transceiver, are on the expansion card, but instead teaches away from having a transceiver on the expansion card of Erkkila since the communication services are already in the host device of Erkkila. This is a second distinguishing feature of Applicants' embodiments of the invention.

A third distinguishing feature is that the communication functionality of the transceiver is passed to the detachable host device, and the control of the detachable host device is passed to the module (FIG. 17). For example, the first interface block 24 can communicate with the second interface block 46 to receive an identifier signal that identifies the UI 34 on the host device 30. The processor 14 of the module can identify the UI 54 on the host device 30 and adapt a control of the UI 54 in accordance with the display 18 on the module. Notably, this allows the module to display a UI that complies with the input aspects of the detachable host device. In contrast, Erkkila does not teach or contemplate a module having a transceiver and a processor that identify a UI of a detachable host and that controls the detachable host and the associated UI.

Likewise, with respect to Sterkel, Sterkel fails to teach, suggest or contemplate a wireless communication module having a transceiver and a processor that identify a user interface of a detachable host device and control the detachable host device and the associated user interface. For instance, the basic phone module of Sterkel can perform communication functions without the enhanced services module. In contrast, the detachable mobile host device of Applicants' embodiments may not have a communication module, and therefore require the wireless communication module to provide communication functions. Further note, Applicant's claims include a processor of the wireless communication module that adapts to control a user interface of a detachable host device based on an identifier signal identifying the user interface. Neither Erkkila nor Sterkel teaches a processor that adapts to control a user interface based on an identification signal provided by the detachable host. Neither the expansion card or the SIM or Erkkila are capable of identifying the user interface. Sterkel just provides the ability to disable selected functions in the basic phone module in order to use the enhanced services module. With respect to Claim 2, Erkkila and Sterkel do

not teach a wireless communication module that conforms to user preferences. With respect to Claims 3 and 4, Erkkila only teaches a display that is part of the mobile host device (FIG. 5). Erkkila does not teach a wireless comm module having a display that presents input from the UI or a display on the camera expansion card.

Other claims were found unpatentable over Erkkila and Sterkel in view of Barber. Briefly, Barber is directed to a portable telephone with terminal mode facility. Barber shows attaching devices to a wireless device where the attached device has its own power supply. FIG. 3 of Barber shows that host device includes a charger 326 that couples to the mobile device 200 to charge a battery of the mobile device. Notwithstanding the fact that Erkkila and Sterkel does not teach a processor that ids a UI of the detachable host device and adapts to control the different UIs as identified in amended claim 7, it would not be obvious to extend the novel aspects claimed to include a power source. The mobile device, when coupled to a host, relinquishes control to the host according to display control commands received by the mobile device from the host. Note, the processor as currently claimed adapts to control the different UIs which is an aspect not taught by Erkkila. Erkkila only teaches that the expanding card includes identifying information such as the type of expansion card (Col. 6, line 6). Erkkila and Sterkel do not teach adapting a control based on identifying a user interface.

The Examiner has established that the "host device" are in fact merely attached devices such as a camera, game controller, or MP3 player as described in instant paragraph [0029] of the instant specification. However, the same processor in each of the devices is clearly not used for the different host devices. A single processor is not shared amongst a plurality of host devices.

Conclusion

In view of the forgoing, the Honorable Board is therefore respectfully urged to reverse the final rejection of the Primary Examiner.

The Commissioner is hereby authorized to charge any fees which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account Number 50-0951.

Respectfully submitted,

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Claims Appendix:

1. (Previously Presented) A modular wireless communication module, comprising:
a transceiver coupled to a processor and memory; and
an interface block coupled to the processor, wherein the processor is programmed to operate in accordance with an identifier signal received from at least one among a plurality of detachable host devices each having different user interfaces, and the processor adapts to control a user interface of a detachable host device based on the identifier signal identifying the user interface.
2. (Previously Presented) The modular wireless communication module of claim 1, wherein the module further comprises a digital signal processor coupled to the processor that conforms the control to user preferences of the different user interfaces.
3. (Previously Presented) The modular wireless communication module of claim 1, wherein the module further comprises a display coupled to the processor, wherein the display presents input from the user interface of the detachable host in accordance with the user interface preferences identified in the detachable host device.
4. (Previously Presented) The modular wireless communication module of claim 3, wherein the display presents content associated with a given detachable host device among the plurality of detachable host devices.
5. (Previously Presented) The modular wireless communication module of claim 1, wherein the processor controls the operation of a given detachable host device once coupled to the given detachable host device.
6. (Original) The modular wireless communication module of claim 1, wherein the module further comprises an antenna coupled to the transceiver.

7. (Previously Presented) A modular communication system, comprising:
- a modular wireless communication module having a transceiver coupled to a processor and memory, and a first interface block coupled to the processor;
 - a detachable host device having a power source, a user interface, and a second interface block, wherein the host device is one among a plurality of host devices having different user interfaces and the processor identifies a user interface of the detachable host device and adapts to control the different user interfaces when the first interface block recognizes the second interface block of a given host device.
8. (Original) The modular communication system of claim 7, wherein the modular wireless communication module further comprises a digital signal processor coupled to the processor.
9. (Original) The modular communication system of claim 7, wherein the modular wireless communication module further comprises a display coupled to the processor.
10. (Previously Presented) The modular communication system of claim 9, wherein the display presents content associated with a given detachable host device among the plurality of detachable host devices.
11. (Previously Presented) The modular communication system of claim 7, wherein the processor controls the operation of a given detachable host device once coupled to the given detachable host device.
12. (Original) The modular communication system of claim 7, wherein the module further comprises an antenna coupled to the transceiver.
13. (Previously Presented) The modular communication system of claim 7, wherein a given detachable host device among the plurality of host devices is selected from the group of a monolith phone, a flip phone, a wristwatch communicator, a camera phone, a video phone, a qwerty key-board host device, a pendant-shaped host device, an MP3 player device, a heart rate monitor, a game controller host, a toy, a stroller, and a crib.

14. (Previously Presented) An adaptable communication module, comprising:
- a radio communication transceiver having a processor that identifies a user interface of a detachable host device, wherein the processor is adaptively programmed to operate with and control a plurality of different detachable host devices having different user interfaces; and
 - an interface block coupled to the processor for detecting the user interface of at least one among the plurality of detachable host devices,
 - wherein the adaptable communication module identifies a user interface of a detachable host device and adapts control of the detachable host device based on the user interface identified.
15. (Previously Presented) The adaptable communication module of claim 14, wherein the adaptable communication module further comprises a presentation device coupled to the processor for presenting information associated with the adaptable communication module and a given detachable host device among the plurality of host devices.
16. (Original) The adaptable communication module of claim 15, wherein the presentation device is selected from among a display and a speaker.
17. (Previously Presented) The adaptable communication module of claim 14, wherein the plurality of detachable host devices each includes an interface block for interfacing with the interface block of the adaptable communication module.
18. (Previously Presented) The adaptable communication module of claim 14, wherein a given detachable host device among the plurality of detachable host devices is selected from the group of a monolith phone, a flip phone, a wristwatch communicator, a camera phone, a video phone, a qwerty key-board host device, a pendant-shaped host device, an MP3 player sport device, a heart rate monitor, a game controller host, a toy, a stroller, and a crib.

19. (Previously Presented) A detachable host device for mating with a modular wireless communication module having a first interface block and a transceiver coupled to a processor, comprising:

- a power source;

- a user interface coupled to the power source; and

- a second interface block, wherein the detachable host device is one among a plurality of detachable host devices having different user interfaces controlled by the processor when the first interface block recognizes the second interface block of the detachable host device, and a processor in the modular wireless communication module identifies the user interface in the detachable host device and adapt a control of the detachable host device.

20. (Previously Presented) A method of reusing a modular wireless communication module among a plurality of different host devices, comprising:

- selectively coupling the modular wireless communication module with a first detachable host device having a first user interface;

- recognizing the first host device to enable a processor within the modular wireless communication module to adaptively control the first detachable host device and the first user interface;

- selectively coupling the modular wireless communication module with at least a second detachable host device having a second user interface; and

- recognizing the second detachable host device to enable the processor within the modular wireless communication module to adaptively control the second detachable host device and the second user interface.

Evidence Appendix:

None

Related Proceedings Appendix:

None